

MONGOLIA 2020 INTERNATIONAL RELIGIOUS FREEDOM REPORT

Executive Summary

The constitution provides for freedom of conscience and religion, prohibits discrimination based on religion, and mandates the separation of the activities of state and religious institutions. The law requires religious institutions to register with authorities but provides little detail on registration procedures, leaving most specifics of implementation to local authorities. The law prohibits hindering the free exercise of faith but limits proselytization. Some Christian and Buddhist groups reported continued difficulties or extended delays in some localities obtaining and renewing registration or obtaining religious visas, due in part to differing registration guidelines among provinces, uncertain registration practices, frequent staffing changes, and the requirement for each branch (or place of worship) of a religious group to register separately. Registration authorities in several localities acknowledged these difficulties and delays, which they variously attributed to guidance reportedly issued by the National Security Council or the delayed promulgation of planned updates to the religion law that would provide greater clarity on registration and renewal procedures for religious organizations. The registration renewal application of a Jehovah's Witnesses branch in the Ulaanbaatar district of Nalaikh remained pending, despite a 2017 court decision rejecting the city council's argument that the congregation posed a potential threat to national security. The Office of the President eliminated the position of advisor to the President on cultural and religious policy in August, citing concerns it was inconsistent with the constitutional separation of state and religious institutions. The previous incumbent had made a number of public statements against "foreign" faiths.

Some religious groups expressed concern regarding television programs, including at least one on Mongolian National Public Television, that took a negative tone toward "foreign" religious groups, which is generally understood to refer to non-Buddhist and non-Shamanist groups, many of which are Christian. In the early days of the COVID-19 pandemic, news of the virus' spread among members of a South Korean Christian congregation received widespread media coverage, prompting an increase in negative social media comments regarding foreign religious groups.

U.S. embassy officials discussed religious freedom concerns, including the renewal of religious visas and the registration and renewal difficulties faced by religious groups, with high level officials in the Office of the President, Ministry of Foreign

Affairs, Ministry of Justice and Home Affairs, parliamentarians, provincial governments, and the Ulaanbaatar City Council. The Ambassador and embassy officials met regularly with religious leaders in Ulaanbaatar to discuss religious freedom and tolerance and the impact of COVID-19 restrictions on their communities. The Ambassador met with religious leaders in Uvs and Bayan-Ulgii Provinces in August, and an embassy official held a similar meeting in Khentii Province in May, for interfaith discussions on the status of religious freedom in rural areas. The embassy also regularly promoted religious freedom on social media.

Section I. Religious Demography

The U.S. government estimates the total population at 3.2 million. The national census conducted in January reports that 59.4 percent of individuals who are 15 and older identify as religious while 40.6 percent state they have no religious identity. Of those who expressed a religious identity, 87.1 percent identify as Buddhist, 5.4 percent as Muslim, 4.2 percent as Shamanist, 2.2 percent as Christian, and 1.1 percent as followers of other religions. The majority of Buddhists are Mahayana Buddhists. Many individuals practice elements of shamanism in combination with other religions, particularly Buddhism. The majority of Christians are Protestant; other Christian groups in the country include The Church of Jesus Christ of Latter-day Saints, the Roman Catholic Church, Jehovah's Witnesses, the Russian Orthodox Church, and the Family Federation for World Peace and Unification (Unification Church). Other religious groups, including the Baha'i Faith, also have a presence. The ethnic Kazakh community, located primarily in the far west, is majority Muslim.

Section II. Status of Government Respect for Religious Freedom

Legal Framework

The constitution lists freedom of conscience and religion among the enumerated rights and freedoms guaranteed to citizens. The constitution prohibits discrimination based on religion. It prohibits the state from engaging in religious activity and religious institutions from pursuing political activities. The constitution specifies that the relationship between the state and religious institutions shall be regulated by law. The constitution provides that, in exercising their rights, persons "shall not infringe on the national security, rights, and freedoms of others or violate public order." It further provides that the state shall respect all religions, and religions shall honor the state. The law says that the state

shall respect “the dominant position of Buddhism” in the country “in order to respect and uphold the traditions of the unity and civilization of the people.” It furthers states, “This shall not prevent citizens from following other religions.”

In accordance with the criminal code, if an individual is found to have used or threatened the use of force to hinder the activities or rituals of religious organizations, the individual is subject to a fine, ranging from 450,000 to 2.7 million tugriks (\$160-\$950), a community service obligation of 240-720 hours, or a travel ban ranging from one to six months. If a religious organization or religious representative, such as a priest, minister, imam, monk, or shaman, is found to have committed acts of proselytization through force, pressure, or deception, or to have spread “cruel” religious ideology, the law allows for fines ranging from 450,000 to 5.4 million tugriks (\$160-\$1,900), a travel ban ranging from six to 12 months, or six to 12 months’ imprisonment. The law does not define what constitutes “cruel” religious ideology.

The law on petty offenses provides for fines of 100,000 tugriks (\$35) for individuals and one million tugriks (\$350) for legal entities for recruiting children to religion against their will. The law provides for a fine of 100,000 tugriks (\$35) for individuals and one million tugriks (\$350) for any legal entity for disclosing an individual’s religion on identity documents without that person’s consent or for interfering with the internal affairs of a religious organization unless otherwise allowed by law. The law also provides for a fine of 150,000 tugriks (\$53) for individuals and 1.5 million tugriks (\$530) for legal religious entities for conducting government or political activity or financing any such activity. The law specifies a fine of 300,000 tugriks (\$110) for individuals and three million tugriks (\$1,100) for legal entities for organizing religious training or gatherings on public premises, including schools.

The religion law forbids the spread of religious views by “force, pressure, material incentives, deception, or means that harm health or morals or are psychologically damaging.” It also prohibits the use of gifts for religious recruitment. The law on children’s rights provides children the freedom to practice their faith.

The religion law prohibits religious groups from undertaking activities that “are inhumane or dangerous to the tradition and culture of the people of Mongolia.”

Religious groups must register with local and provincial authorities, as well as with the General Authority for State Registration (General Authority), to function legally. National law provides little detail on registration procedures and does not

stipulate the duration of registration, allowing local and provincial authorities to set their own rules. Religious groups must renew their registrations (in most cases annually) with multiple government institutions across local, provincial, and national levels. Each individual branch (or place of worship) of a religious organization is required to register or renew as an independent legal entity, regardless of any affiliation with a registered parent organization. Some local authorities require children under the age of 16 to have written parental permission to participate in church activities.

A religious group must provide the following documentation to the relevant local provincial or municipal representative assembly when applying for registration: a letter requesting registration, a letter from the lower-level local authority granting approval to conduct religious services, a brief description of the group, the group's charter, documentation on the group's founding, a list of leaders, financial information, a declaration of assets (including any real estate owned), a lease or rental agreement (if applicable), brief biographic information on individuals wishing to conduct religious services, and the expected number of worshippers. A religious group must provide the General Authority its approved registration application to receive a certificate for operation.

The renewal process requires a religious group to obtain a reference letter from the lower-level local authority to be submitted with the required documents (updated as necessary), to the local provincial or municipal representative assembly. During the renewal process, the local provincial or municipal representatives commonly request a safety inspection of the religious organization's offices and places of worship and remediation of any deficiencies found. The relevant provincial or municipal representative assembly issues a resolution granting the religious institution permission to continue operations, and the organization sends a copy of the approved registration renewal to the General Authority, which enters the new validity dates on the religious institution's certificate for operation.

Public and private educational institutions are entitled to state funding for their secular curricula but are prohibited from using state funding for religious curricula. The education law prohibits all educational institutions from conducting any religious training, rituals, or activities with state-provided funding. A provincial or municipal representative assembly may deny registration renewals for religious groups that violate the ban on using state funding for the provision of religious instruction in educational institutions.

The law regulating civil and military service specifies that all male citizens between ages 18 and 25 must complete one year of compulsory military service. The law provides for alternatives to military service for citizens who submit an objection based on ethical or religious grounds. Alternative service with the Border Forces, National Emergency Management Agency, or a humanitarian organization is available to those who submit an ethical or religious objection. There is also a provision for paying the cost of one year's training and upkeep for a soldier in lieu of service.

Under the labor law, all legal entities, including religious institutions, must hire a stipulated number of citizens for every foreign employee hired. The government sets an annual quota in the form of a resolution, and this quota changes every year for each labor sector listed in the resolution. Groups not specified in the annual quota list must ensure 95 percent of their employees are citizens. The annual resolution stipulates that religious groups could employ one foreign worker if they employed at least five Mongolian citizens, but additional foreign employees could only be hired if the 95 percent quota is met and maintained.

The law regulating the legal status of foreign nationals prohibits noncitizens from advertising, promoting, or practicing “inhumane” religions that could damage the national culture. The religion law includes a similar prohibition on religious institutions, both foreign and domestic, conducting “inhumane” or culturally damaging activities within the country.

Foreigners seeking to conduct religious activities, including proselytizing, must obtain religious visas, and all foreigners are prohibited from proselytizing, promoting, and practicing religion that violates the “national culture” and law. Only registered religious groups may sponsor foreigners for religious visas. Foreigners who enter on other classes of visas are not allowed to undertake activities that advertise or promote any religion (as distinct from personal worship or other individual religious activity, which is permitted). Under the law, “Engag[ing] in business other than one’s purpose for coming” constitutes grounds for deportation.

The country is a party to the International Covenant on Civil and Political Rights.

Government Practices

The government again did not submit to parliament planned updates to the religion law. According to observers, the government was primarily focused on amending

the legal code to ensure consistency with constitutional amendments adopted in 2019 as well as on parliamentary elections in June and local elections in October. According to its concept note, the stated intent of the amendments was to improve the monitoring, registration, renewal systems, and accountability mechanisms of religious institutions. The lack of an updated religion law was cited by some religious registration authorities as a reason for their failure to process new registration applications submitted by religious groups.

Representatives of several religious groups, including Christian and Buddhist groups, stated that government authorities were not processing new registration applications, although some renewals were processed. Registration and renewal procedures continued to vary significantly across the country, largely depending upon the practices of local government officials. Registration delays could hurt a group's ability to employ foreign religious workers, as valid registration is required to sponsor a religious worker.

The Ulaanbaatar City Council continued to issue renewals valid for one year, but some organizations complained of prolonged delays in the processing of their renewal application, and the Ulaanbaatar City Council said approximately 30 such applications remained pending as of November. Some provincial and municipal representative assemblies issued renewals for two or three years. An Ulaanbaatar City Council official said Christian groups constituted the majority of those seeking registration and renewal. Christian leaders stated the difficulty in obtaining visas for religious workers was mainly due to delays in the processing of their respective organization's renewal.

Some religious groups again said they were deterred from registering because of the unpredictability of the registration process, which could take from several weeks to years; the difficulty and expense of establishing a dedicated, regular worship site; and changing government personnel. They said the requirement that each local branch of the organization separately register or renew as independent legal entities separate from their parent organization created additional bureaucratic burdens.

Ulaanbaatar City Council officials said the government used the registration and renewal process to assess the activities of the religious group, monitor the number of places of worship and clergy, determine the ratio of foreigners to nationals conducting religious activities, and determine whether their facilities met safety requirements. City council officials said approval of applications that were ostensibly "denied," were more accurately "postponed" due to incomplete

documentation, the poor physical condition of the place of worship, instances of a religious organization's providing English-language instruction without an educational permit, or the existence of financial issues, such as failure to pay property taxes or declare funding from foreign sources. In such cases, religious organizations were instructed to correct the deficiencies and resubmit their applications. Some Christian groups continued to say the government inconsistently applied and interpreted regulations, changing procedures frequently and without notice. Some religious groups continued to state the registration and renewal process was arbitrary in some instances and that the prolonged delays gave them no appeal mechanism.

Some Christian religious leaders said temporary unregistered status could leave their organizations vulnerable to financial audit and possible legal action. Several groups reported they continued to operate normally, despite the fact that their renewal applications remained pending.

Shamanist leaders expressed concerns that the requirement for a registered place of worship placed limitations on their religion because of its practice of worshipping outdoors.

Unregistered churches lacked official documents establishing themselves as legal entities and as a result could not own or lease land, file tax returns, or formally interact with the government. Individual members of unregistered churches typically continued to own or lease property for church use in their personal capacity. According to one nongovernmental organization (NGO), the inability of unregistered churches to report donations from their members as income led to financial disputes. Some unregistered religious groups said they often could still function, although some reported experiencing frequent visits by local tax officials, police, and representatives from other agencies.

In September, the General Authority issued a notice suspending the registration of a large number of legal entities registered in Ulaanbaatar deemed by the Ulaanbaatar City Council to have violated the law, including 124 religious organizations. According to an NGO, some of those religious organizations had failed to submit their registration renewal paperwork on time or had ceased or suspended operations. The suspended faith organizations included Buddhist, Christian, and Shamanist groups.

According to a Christian group, in April, the Darkhan-Uul Provincial Council suspended the registration of six Christian churches for failure to complete timely

renewal of their expired registrations. The lapses were discovered during inspections conducted to ensure the churches' compliance with State Emergency Commission pandemic-related health and sanitation guidelines. Two of the churches successfully challenged their suspension in a local court and were again operating normally at year's end, although their renewals were still pending.

The Office of the President eliminated the position of advisor to the President on cultural and religious policy, citing concerns it was inconsistent with the constitutional separation of state and religious institutions. Prior to the elimination of the position, the incumbent made several statements considered discriminatory regarding "foreign" religions in press opinion pieces, social media, and nationally broadcast television appearances. Her statements were challenged by observers, some of whom noted her attempts to link the country's ties to democracies such as the United States with the growth of "foreign" religions, which, she said, degraded Mongolia's Buddhist heritage. Some laypersons and members of the country's faith communities also privately expressed concerns regarding the advisor's statements.

One Christian group said the government placed additional burdens on religious organizations by subjecting them to closer scrutiny by official organs, such as the General Authority for Labor and Benefit, the Immigration Agency, or the Ulaanbaatar City Council. The group reported it submitted a fresh renewal application in March on the advice of the city council; the application remained pending at year's end. Other religious organizations reported they had good relationships with local and district level authorities, but that lack of understanding of regulations governing religious organizations among some Ulaanbaatar City Council officials and provincial authorities resulted in delayed processing of registration and renewal applications.

Representatives of the Religious Society of Jehovah's Witnesses in Mongolia reported that the registration application for the Evangelizers of Good News of Holy Scriptures – their organization's legal entity in Ulaanbaatar's Nalaikh District – remained pending with the Ulaanbaatar City Council, despite a 2017 Ulaanbaatar Court of First Instance ruling that struck down the city council's argument that the congregation posed a potential threat to national security. Although the city council revoked its decision to annul the group's registration, it took no action to renew it.

The Immigration Agency rescinded the registration of a U.S.-based Christian NGO after determining that it violated its registered purpose of business by failing to

carry out sufficient charity activities to be considered a humanitarian organization. The NGO stated it conducted such activities openly and transparently for several years and noted the law provides no mechanism for registering as a legal entity a humanitarian organization that is Christian but does not hold religious services. The NGO did not appeal the Immigration Agency's decision and commenced winding down its operations.

Religious groups continued to experience periodic audits, usually by officers from tax, immigration, local government, intelligence, and other agencies. Religious leaders said such audits typically took place once in a two-year period, but some inspection visits reportedly followed routine submissions of registration renewal applications. However, several groups reported additional inspections from government officials who cited the need to ensure compliance with restrictions adopted in connection with the heightened state of emergency preparedness. Inspections varied from professional and cordial to intimidating, according to representatives of religious groups. Some religious groups reported that inspectors made inappropriate requests, such as asking for the names of members or requiring that security cameras be installed at their offices and places of worship. Some groups characterized these requests as a form of harassment.

Some Christian groups reported that some local authorities continued to restrict unaccompanied minors' participation in Christian religious services due to stated fears of "brainwashing." Children under the age of 16 required written parental permission to participate in church activities. Churches were required to retain this permission in church records and make it available upon request. According to the groups, this requirement had greater impact on Christian than other religious groups.

Some foreign nationals continued to face difficulties obtaining religious visas. Because religious groups were bound by the requirement they hire at least five local employees before they could sponsor their first foreign worker, groups that could not afford to hire enough local employees could not sponsor even their first religious visa, nor additional ones. Christian groups reported foreign missionaries seeking to enter the country often did so under nonreligious visas (such as student, teacher, or business visas), making them legally restricted from conducting activities allowed under religious visas. Inconsistent interpretations of the activities in which they could legally engage left them vulnerable to deportation, although there were no known instances of this happening during the year. The validity of religious visas remained linked to a religious organization's registration, which some Christian religious groups said resulted in additional visa problems.

Foreign citizens could not receive or renew a religious visa unless their religious organization's registration or renewal was already granted. The length of the religious visa's validity corresponded with, and could not exceed, the registration validity of its sponsoring organization. COVID-19-related border closures also created challenges for religious groups seeking to sponsor foreign religious workers.

According to a representative of the Asia-Pacific Association of Jehovah's Witnesses, the legal provision allowing citizens who have ethical or religious objections to military service to carry out alternative civilian service was insufficient, as the alternative service requires participation in a two-week drill organized by the military leadership of the relevant locality. Another alternative to mandatory military service was to pay the equivalent of the costs associated with one year's training and upkeep for one soldier, an excessive financial burden beyond the means of most of its members, the association stated.

In January, the national broadcaster, Mongolian National Public Television, aired a two-part program entitled "Silent Danger" that questioned the intentions of foreign religious groups and hinted at possible illegalities relating to their activities, registration, financing, and ownership. Ostensibly raising awareness of the dangers posed by cults and religions that engage in "inhumane activities," the program called for a revision of the existing religious law and tighter government control over religious affairs.

The government continued to allocate funding for the restoration of several Buddhist sites that it stated were important religious, historical, and cultural centers.

Section III. Status of Societal Respect for Religious Freedom

There were instances of negative popular sentiment toward "foreign" religious groups, a term sometimes used to refer to non-Buddhist and non-Shamanist religious groups, many of which are Christian, but religious leaders from a variety of faiths reported they generally encountered little difficulty practicing their religion. As news of the pandemic spread, several Christian groups reported an increase in negative comments on social media broadly directed against Christian groups and the alleged threat they posed to society through congregant worship. An example of a Christian congregation in South Korea that experienced a spike in COVID-19 cases was widely covered by local media.

Christian groups also expressed concern regarding television programs that featured negative messages regarding non-Buddhist religions.

Section IV. U.S. Government Policy and Engagement

The Ambassador and other embassy officials regularly discussed religious freedom with government officials and shared the U.S. government's concerns regarding visa, registration, and renewal difficulties religious groups reported at the national, local, and provincial levels. During such meetings, they regularly raised concerns regarding pending amendments to the religion law. The Ambassador and other embassy officers encouraged officials to enhance efforts to protect religious freedom and underscored the value of dialogue between the government and religious communities during meetings with parliamentarians, and high level officials in the President's Office, the Ministry of Foreign Affairs, the Ministry of Justice and Home Affairs, the Ulaanbaatar City Council, and provincial and municipal governments. For example, the Ambassador met in June with the Ulaanbaatar City Council chairman to raise concerns regarding the registration delays experienced by several religious groups. A few days after the meeting, some religious organizations reported that their renewals had been approved.

The Ambassador routinely visited religious sites and temples and met with local religious leaders in his travels outside Ulaanbaatar. For example, in August, the Ambassador met with local Buddhist, Christian, Muslim, and Shaman leaders in Uvs Province for an interfaith discussion on the status of religious freedom in rural areas. He also met in August with Muslim leaders in Bayan-Ulgii Province to discuss the state of religious freedom in the country's only majority-Muslim province. In July, the Ambassador hosted Buddhist leaders to learn about how their communities were being affected by COVID-19-related restrictions. During a June visit to Khentii Province, an embassy official discussed the importance of religious freedom and tolerance with provincial authorities and met with local Buddhist and Christian leaders. The embassy also regularly promoted religious freedom on social media. For example, the Ambassador regularly tweeted in Mongolian and English about his visits to religious sites and meetings with religious leaders across the country's diverse faith communities.